

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

MDL No. 3047

Case Nos.: 4:22-md-03047-YGR-PHK

4:23-cv-05448-YGR

This Filing Relates to:

*People of the State of California, et al. v. Meta
Platforms, Inc., et al.*

**META DEFENDANTS' RESPONSE
TO STATE ATTORNEYS
GENERAL'S ADMINISTRATIVE
MOTION FOR LEAVE TO FILE
SUPPLEMENTAL INFORMATION**

Judge: Hon. Yvonne Gonzalez Rogers
Magistrate Judge: Hon. Peter H. Kang

The State AGs have submitted notice to the Court of efforts Meta has recently undertaken to serve third-party subpoenas to a fraction of the 275 State Agencies at issue. Meta does not object to the States' submission of these subpoenas as supplemental information, but submits this Response to clarify that the service of these subpoenas does not moot the dispute pending before this Court over whether state entities other than the State AGs' offices are subject to party discovery (the "State Agency discovery dispute"), which the parties briefed in their joint submissions on March 15 and April 1, *see* ECF Nos. 685, 738, and argued before this Court on March 21 and May 6, *see* ECF Nos. 714, 822.

The Court previously suggested that Meta serve targeted third-party discovery while the State Agency discovery dispute is pending, noting that Meta could serve "at least a few [third-party] subpoenas to prioritize the agencies you really wanted to go after first." May 6, 2024 DMC Tr. 103:20-25 ("It doesn't have to be done as an all-or-nothing thing; right?"). Consistent with that suggestion, Meta recently served subpoenas on 52 of the 275 State Agencies identified

as likely to possess relevant information. *See* Administrative Motion at 2; ECF No. 738-1.¹

With each subpoena, Meta expressly stated that it did not waive its position that the State Agencies should be subject to party discovery. *See, e.g.*, Subpoena to Arizona Department of Child Safety (attached as **Exhibit A**). That no-waiver position is consistent with one earlier urged by the State AGs, who argued that Meta “could have served subpoenas on a subset of agencies that they were really interested in getting documents from. They could have done that while they’re still litigating this dispute over who is subject to party discovery.” *Id.* 104:18-23.

The State Agency discovery dispute remains ripe because, should the Court rule that State Agencies are not subject to party discovery, Meta would need to serve 223 additional subpoenas on the remaining agencies in a matter of weeks. Meta would then need to separately negotiate with each of those agencies regarding the scope of their productions, meet and confer with each agency regarding any deficiencies, and tee up discovery disputes with the Court on an agency-by-agency basis. Moreover, the agencies (including those already subpoenaed) might argue that they are subject to “the protections of Rule 45” and “the limitations that characterize third-party discovery.” *Airwair Int’l Ltd. v. Zoetop Bus. Co., Ltd.*, 2021 WL 6091263, at *2 (N.D. Cal. Dec. 23, 2021). Accordingly, Meta’s service of subpoenas on certain agencies does not moot the dispute as to whether State Agencies are parties for discovery purposes, which remains pending before this Court.

¹ In addition to the 26 subpoenas included in the State AGs’ submission, Meta served another 26 subpoenas on priority State Agencies on July 29.

Dated: July 29, 2024

Respectfully submitted,

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